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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

13 ANDREA SOMMERS and HARRY  
14 SUEISHI, as Guardians of EDITH SELF, an  
Adult Ward.

#### **Plaintiffs.**

V.

DANIEL C. CUDDY, JR., individually and as President, Secretary, Treasurer, and Director of Personnel Benefits Group, Inc.; PERSONNEL BENEFITS GROUP, INC., a Nevada Corporation d/b/a Personnel Benefits Group and Retirement Benefits Group; NATIONAL WESTERN LIFE INSURANCE COMPANY, a Colorado corporation; DOE DEFENDANTS I-XXX; ROE CORPORATIONS I-XXX, inclusive.

#### Defendants.

Case No.: 2:08-cv-00078-RCJ-RJJ

**JOINT MOTION TO STAY  
PROCEEDINGS PENDING  
MEDIATION**

Plaintiffs in above-captioned case, by and through their undersigned counsel of record, and Defendants, by and through their attorneys, LARRY E. MOBLEY, ESQ., of BARRASO, USDIN, KUPPERMAN, FREEMAN & SARVER, LLC, and REX D. GARNER, ESQ. of MORRIS LAW GROUP, hereby move the Court to stay all proceedings in this action pending the conclusion of mediation among the parties.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

I.

## **INTRODUCTION**

4 On December 14, 2012, Defendants Daniel C. Cuddy, Jr. and Personnel Benefits Group, Inc.  
5 filed a Motion for Summary Judgment [Docket No. 148] and Defendant National Western Life  
6 Insurance filed a Motion for Summary Judgment [Docket No. 149] (collectively, the “Motions for  
7 Summary Judgment”). Following consultation with Defendants and their subsequent consent,  
8 Plaintiff filed a Stipulation and Order for an Extension of Time to File Plaintiffs’ Opposition to  
9 Defendants’ Motions for Summary Judgment (First Request) [Docket No. 157], which remains  
10 pending before the Court, to extend such deadline up to and including Tuesday, January 22, 2013,  
11 to permit the filing of the instant Motion for the Court’s consideration.

The parties have agreed to pursue mediation, which is currently set for March 15, 2013, with Bongiovi Dispute Resolutions, in the hope of fully and finally resolving the instant litigation. The parties have further agreed to bring the instant Motion seeking to stay the proceedings, including the tolling of Plaintiffs' deadline to file and serve oppositions to the Motions for Summary Judgment and any hearing on such Motions for Summary Judgment together with all other scheduled dates and deadlines until after the scheduled mediation is concluded. The tolling of the remaining dates and deadlines in these proceedings will allow the parties an opportunity to attempt to settle this litigation without incurring any more fees and costs than absolutely necessary; thereby conserving resources for all concerned, including the Court, as much as possible.

III.

## ARGUMENT

23        The Court has the inherent authority to stay proceedings before it. Mangani v. Merck &  
24 Co., No. 2:06-cv-00914, 2006 WL 2707459, at \*1 (D. Nev.) (citing Rohan ex rel. Gates v.  
25 Woodford, 334 F.3d 803, 817 (9th Cir. 2003)). Factors relevant to the Court’s consideration of a  
26 motion to stay proceedings include “any potential prejudice to the non-moving party, hardship or  
27 inequity to the moving party if the proceedings are not stayed, and the interests of judicial economy  
28 and efficiency.” Id.

Plaintiffs and Defendants in this action request a stay of the proceedings by this joint Motion; therefore, no prejudice would result to any party if the stay is granted. Denying the stay, however, will cause hardship to the parties because absent a stay they face imminent deadlines for pretrial and other case management activities. Additionally, the parties need to participate in the briefing, argument and other proceedings before the Court with respect to the pending Motions for Summary Judgment.

A stay of these proceedings pending the conclusion of the mediation among the parties set for March 15, 2013, promotes the interests of judicial economy and efficiency. If the stay requested by the Plaintiffs and the Defendants is denied, this Court risks “needlessly expending its energies” to further manage the case and familiarize itself with the Motions for Summary Judgment and related pleadings when the case may well settle as a result of the parties’ own accord at the upcoming mediation. Rivers v. Walt Disney Co., 980 F. Supp. 1358, 1360 (C.D. Cal. 1997). Further, a stay of the proceedings at this juncture in the case preserves the status quo and minimizes the expense of the parties’ resources and those of the Court until such mediation can be concluded. Mediterranean Enterprises, Inc. v. Ssangyong Corp., 708 F.2d 1458, 1465 (9th Cir. 1983) (temporary stay of proceedings applicable to preserve judicial efficiency and fairness).

III.

### **CONCLUSION**

19 WHEREFORE, for the foregoing reasons, the parties in the above-captioned case  
20 respectfully request that the Court enter an order directing that (1) this action is stayed pending the  
21 conclusion of the mediation among the parties currently set for March 15, 2013, and (2) the parties

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1 shall notify the Court of the outcome of the mediation within 10 days of the conclusion of the  
2 mediation.

3 DATED this 15th day of January, 2013.

4 Respectfully submitted by:

5 **THE BACH LAW FIRM, LLC**

6 By /s/ Anne M. Loraditch

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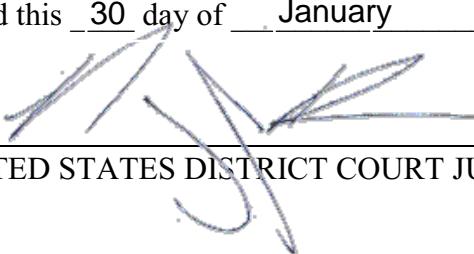
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29 **ORDER**

30 IT IS SO ORDERED. The above-captioned matter is stayed. The parties are ordered to file  
31 a status report on or before March 25, 2013.

32 Dated this 30 day of January, 2013.

33   
34 UNITED STATES DISTRICT COURT JUDGE